IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1990 OF 2005

Dharnidhar Kamlashankar Pandey
and another ... Applicants

versus

State of Maharashtra ... Respondent

...

Mr.L.H. Patil, for the Applicant.

Mr.K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

24th March 2005

P.C.:

. Heard Counsel for the parties. Indeed, the offence under section 467 and 420, amongst the other offences registered against the Applicants, are serious offences. However, I find substance in the submission canvassed on behalf of the Applicants that the entire record of the Society is in the custody of the police.

In fact, Official Liquidator was appointed in respect of the Society, of which the Applicants were only Committee Members. The investigating agency has availed of custodial interrogation of the Applicants. The fact that co-accused have not been arrested so far cannot be the basis to deny bail to the present Applicants, who are in custody for over about 65 days. The Applicants, therefore, deserve to be released on bail, but on strict conditions, as the prosecution apprehends that if the Applicants are enlarged on bail, they may not be available for trial. Accordingly, this application succeeds on the following terms.

(A) The Applicants are directed to be released on bail in connection with CR.No.23/2005 registered with Saki Naka Police Station on executing personal bond in the sum of Rs.25,000/- with two local sureties in the like amount. The condition of local sureties cannot be dispensed with in the present case, as the prosecution apprehends that the Applicants will flee from the ends of justice, if released.

(B) The Applicants shall not influence the prosecution witnesses nor shall tamper with the prosecution evidence in any manner whatsoever.

(C) The Applicants shall report to the investigating officer twice a week between 5 to 7 p.m. on Wednesday and Sunday respectively till the filing of the chargesheet; and after filing of chargesheet, once in fortnight on Saturday between 5 p.m. to 7 p.m.

(D) The Applicants shall co-operate for early disposal of the trial. If the trial Court is of the opinion that the Applicants are in any way responsible for delay in disposal of the trial, that opinion be recorded in the roznama, which can be a ground for cancellation of bail.

. Application disposed of on the above terms.

(A.M.KHANWILKAR,J.)